

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

OnSomble, Inc.,)
Plaintiff,)
v.)
Maria O'Rourke,)
Defendant.)
Case No. 3:16-cv-493
Judge Crenshaw
Magistrate-Judge Newbern

Defendant's Motion for Determination of Privilege

Pursuant to Fed. R. Civ. P. 26(b)(5)(B), Defendant, Maria O'Rourke, moves for a determination of the Plaintiff's claims of privilege over the three documents attached hereto, which are being filed under seal. In support hereof, the Defendant relies on the accompanying memorandum of law, the Declaration of Maria O'Rourke (filed contemporaneously herewith), the Declaration of Richard G. Sanders (filed contemporaneously herewith), and the record in this matter.

The undersigned certifies that the parties have met and conferred about this issue. The Plaintiff issued its “clawback” request in a letter dated June 16, 2017. The undersigned responded with a letter dated June 21, 2017, expressing his intention to file the instant motion. Counsel for Plaintiff has not responded substantively to the undersigned’s June 21 letter. This motion must be brought “promptly,” Fed. R. Civ. P. 26(b)(5)(B), and it seems unlikely the parties will resolve their differences relating to the three documents at issue.

s/Richard G. Sanders/

Richard G. Sanders (Tenn. BPR No. 23875)
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing DEFENDANT'S MOTION FOR DETERMINATION OF PRIVILEGE is being filed and will be furnished via CM/ECF on this the 24th day of June, 2017, to:

John Tennyson
Tennyson & Wiggington
1801 West End Ave., Ste. 800
Nashville, TN 37203

s/Richard G. Sanders
Attorney for Defendant

EXHIBITS 1-3 HERETO ARE FILED UNDER SEAL.